

Title	Notice and Acknowledgment of Receipt (revise form 982(a)(4) and renumber it as POS-015)
Summary	The form for notice of acknowledgement and receipt approved for use in civil cases would be revised to eliminate the list of obsolete family law forms.
Source	Civil and Small Claims Advisory Committee
Staff	Patrick O'Donnell, Committee Counsel, 415-865-7665 patrick.o'donnell@jud.ca.gov
Discussion	<p>The <i>Notice of Acknowledgement and Receipt</i> form should be revised to delete obsolete references to family law documents. The references to family law documents are inaccurate because the names of those documents have changed and are unnecessary because new forms <i>Notice and Acknowledgment of Receipt—Family Law</i> (form FL-117) and <i>Notice and Acknowledgment of Receipt (Governmental)</i> (form FL-605), adopted effective January 1, 2004 and July 1, 2003, respectively, now must be used in family law matters instead of this form.</p> <p>To improve the <i>Notice and Acknowledgement of Receipt</i> form, the following additional revisions would be made to the form:</p> <ol style="list-style-type: none"> 1. The form designation would be changed from 982(a)(4) to POS-015. <p>The subject matter category “POS” (Proof of Service) is proposed as the most appropriate for this form. This new form category was first used effective January 1, 2004. The first form placed in the category, POS-010, is the general form for proof of service of summons and complaint. Item 5c of that form indicates that this <i>Notice and Acknowledgment</i> form must be attached to show service under Code of Civil Procedure section 415.30. Thus, the <i>Notice and Acknowledgment of Receipt</i> form is in part a proof of service form. (Other proof of service forms—forms POS-020, POS-030, and POS-040— are being separately circulated at this time.)</p> <ol style="list-style-type: none"> 2. The word “Civil” would be added to the title of the form. <p>This change is proposed to distinguish this form from the new family law forms mentioned above.</p>

3. The attorney, court, and case caption boxes at the top of the form would be revised to conform to the modern Judicial Council format for these items.
4. The two paragraphs of information and instructions given to the recipient by the sender would be revised to conform to the similar paragraphs in the family law forms and to more closely follow the statute, Code of Civil Procedure section 415.30.

The phrase “from the date when this form was mailed” has been added after “within 20 days” in the first paragraph. This clarifies that the 20-day period provided in Code of Civil Procedure section 415.30(d) runs from the date of mailing by the sender.

5. The form would be revised to specifically request that the sender provide the date of mailing, and that the recipient provide only the date that he or she signs the form.

The important dates are the date of mailing by the sender and the date the form is signed by the recipient. Code of Civil Procedure section 415.30(c) provides that service is complete on the date the form is signed by the recipient. Section 415.30(d) provides that the 20-day period for the recipient to sign the form begins on the date the form and the referenced documents are mailed by the sender. The date the recipient receives the form, requested in the current version, is not a legally significant date under the statute and has been omitted to avoid confusion.

6. The signature block for the sender would be revised by adding a caution that the sender must not be a party in the case.

This change would conform to the new family law forms. The caution is consistent with general law, which prohibits a party from serving papers and executing proof of service.

Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 2</h1> <h1 style="text-align: center;">04/02/04</h1>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL	CASE NUMBER:

TO (*insert name of party being served*): _____

NOTICE

The Summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date when this form was mailed may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a Summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association including a partnership, or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of Summons. Section 415.30 provides that the Summons and other documents identified below are deemed served on the date you sign the Acknowledgment of Receipt below, if you return this form to me.

Date of mailing:

(TYPE OR PRINT NAME)



(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (***to be completed by sender before mailing***):

1. ☐ A copy of the summons and of the complaint.
2. ☐ Other (*specify*):

(To be completed by recipient):

Date this form is signed:

(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
ON WHOSE BEHALF THIS FORM IS SIGNED)



(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON)